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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 KENNETH BURNETT,

11 Plaintiff,

12 v.

13 UNITED STATES OF AMERICA,

14 Defendant.

CASE NO. C20-0947JLR

ORDER DIRECTING  
SUPPLEMENTAL BRIEFING

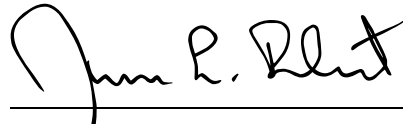
15 Before the court is Petitioner Kenneth Burnett's motion to vacate the judgment in  
16 his criminal matter under 28 U.S.C. § 2255. (Mot (Dkt. # 1); *see also* Reply (Dkt. # 9).)  
17 Mr. Burnett contends that the court must vacate his conviction in his criminal matter in  
18 light of the Supreme Court's decision in *Rehaif v. United States*, \_\_ U.S. \_\_, 139 S. Ct.  
19 2191 (2019). Respondent the United States of America ("the Government") opposes Mr.  
20 Burnett's motion. (Resp. (Dkt. # 5).)

21 On reply, Mr. Burnett requests a stay in this case due to the Supreme Court  
22 granting certiorari in *United States v. Gary* on January 8, 2021. (*See* Reply at 9); 954

1 F.3d 194 (4th Cir. 2020), *cert. granted*, No. 20-444, 2021 WL 77245 (U.S. Jan. 8, 2021)  
2 (finding that a *Rehaif* error is structural and vacating conviction). The Supreme Court  
3 granted certiorari after the Government filed its response to Mr. Burnett's petition. (*See*  
4 *Resp.* (filed December 21, 2020).)

5 The court DIRECTS the parties to provide supplemental briefing on the question  
6 of whether the court should stay this case until the Supreme Court has issued a ruling in  
7 *Gary*. The parties shall file briefs, limited to six pages, addressing this question by  
8 Friday, March 19, 2021. There shall be no replies unless otherwise ordered by the court.  
9 The court DIRECTS the clerk to renote Mr. Burnett's motion to vacate (Dkt. # 1) for  
10 March 19, 2021.

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12 Dated this 8th day of March, 2021.

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15 JAMES L. ROBART  
16 United States District Judge  
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